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The situation in Afghanistan and its implications for international peace and security

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

Summary

The present report describes the ongoing implementation of the Bonn Agreement by the Afghan Transitional Administration, supported by the United Nations Assistance Mission in Afghanistan (UNAMA). The report focuses on key political and humanitarian developments in Afghanistan, as well as the activities of the Mission during the period from 31 December 2003 to 16 March 2004.

The report describes the path ahead in implementing the Bonn Agreement following the successful conclusion of the Constitutional Loya Jirga in January 2004 and the signing of the new Afghan constitution. One of the key challenges will be the holding of elections. The report describes the status of the voter registration project and the main issues involved in deciding on the timing and type of elections to be held in 2004.

Security remains a significant problem. The report describes a number of ongoing initiatives to improve security — such as the expansion of the International Security Assistance Force, the deployment of additional provincial reconstruction teams, and accelerated efforts to build an Afghan army and police force — and underlines that elections, reconstruction, human rights, and the building of State institutions depend on the success of these processes.

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The report also stresses that more progress is required to disarm, demobilize and reintegrate former combatants. By reducing the power of factions, the disarmament, demobilization and reintegration process will create space for constitutionally legitimate governance structures. Attacking the corrupting culture of the drugs economy is described in the report as an enormous task, in face of a security situation that requires both immediate measures and international commitment.

On human rights and the status of women, the report stresses measures being taken by local Afghan commissions and their international counterparts. Despite welcome protections for the role of women in the constitution, much more remains to be done to ensure that those protections are in fact extended to women throughout the country.

This report coincides with the end of the Mission's one-year mandate. The Secretary-General recommends that UNAMA be renewed, and proposes that detailed recommendations for a detailed mandate be submitted to the Security Council following the upcoming Berlin conference on a post-Bonn Afghanistan and after decisions have been taken on the holding of elections.

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1471 (2003) of 28 March 2003 and General Assembly resolutions 58/27 A and B of 5 December 2003. It covers the period since the previous report, dated 30 December 2003 (S/2003/1212). During this period, the Security Council also received an oral briefing on 15 January which was recorded in the Council's verbatim records (see S/PV.4893). Matters covered in the briefing will not be repeated in the present report, except in summary form.

II. Implementation of the Bonn Agreement

A. The Constitutional Loya Jirga

2. The Constitutional Loya Jirga was successfully concluded on 4 January 2004 with an almost unanimous agreement among the 502 delegates on the final draft. The agreement is a significant achievement in view of the many controversial issues that emerged and nearly paralysed the assembly in its final days. Ultimately the various groups showed the political maturity needed to set aside the most divisive claims and reach compromise on many of their remaining differences. The issues included the powers of the President, the nationality of ministers, the creation of a commission to oversee the implementation of the constitution, the timing of the elections and the national anthem and language.

3. The compromise achieved between the supporters of presidential and parliamentary forms of government led to a system that is presidential in nature, but with a large degree of parliamentary oversight. For the first time in the constitutional history of Afghanistan, the definition of the nation explicitly included all minority groups. Languages other than Dari and Pashto were recognized as official in areas where the majority speaks them. The constitution enshrined equality of men and women and promoted women's political participation by guaranteeing that at least 25 per cent of representatives in the lower house of parliament will be women. The constitution provides a framework for the establishment of the rule of law, consistent with the "beliefs and prescriptions" of Islam.

4. The positive outcome of the Constitutional Loya Jirga has affected the political dynamics of the nation. The unity and purpose demonstrated by delegates from the southern provinces contrasted with the fragmentation observed in the past. It suggests renewed interest and optimism about national politics within that important constituency. The Security Council has been repeatedly informed of the concern that a continued sense of alienation in southern Afghanistan was a factor of instability. The perception that the new constitution offers a credible framework for power-sharing is therefore welcome. Efforts by the Transitional Administration to promote broader participation in the political process, particularly in the south, should see progress towards national reconciliation and the stabilization of Afghanistan.

5. The difficult task of implementation now lies ahead. The new constitutional framework will have meaning for the citizens of Afghanistan only if it translates into improvements in security, governance and welfare.

B. Overall security situation

6. Insecurity in the country continues to follow a well-known pattern and has shown no signs of significant improvement. Civilians continue to be killed in inter-factional fighting. Attacks by extremist elements on aid agencies, both national and international, and on government officials continue to occur, predominantly in the southern provinces. On 21 February an Australian national was killed and a United States and a United Kingdom national were seriously wounded when their helicopter was attacked in Panjwai district, Kandahar. On 5 March a Turkish road engineer and an Afghan security guard were killed in Shah Joy district, Zabol, when their vehicle was ambushed by suspected Taliban; a Turkish engineer and a security guard were also kidnapped. The next day a member of the Red Crescent Society was shot dead outside the provincial capital, Qalat. Recently, however, some of the most deadly incidents have occurred outside the southern high-risk areas. Last December in Farah Province five members of a government census team were killed; and in February five Afghan aid workers were killed in a rural area of Kabul Province. This supports the consensus view that extremist groups, even if unable to launch military operations, can and will attack unprotected targets affiliated with the Transitional Administration or the aid community. Given this pattern of attacks, national and international non-governmental organizations maintain a low profile in the south and operate cautiously in other areas of the country. This seriously constrains the implementation of activities such as reconstruction, the census and voter registration in rural areas.

7. Kabul itself is not invulnerable. Sophisticated attacks were directed against the International Security Assistance Force (ISAF) on 27 and 28 January, when successive suicide car bomb attacks struck a Canadian and a United Kingdom patrol, killing two soldiers, injuring seven, and killing three Afghan civilians. This suggests that, while the preferred modus operandi of extremist groups is to carry out attacks against soft targets, the risk of suicide attacks against well-protected, international military targets remains of concern.

8. At the same time, factional feuds, rivalries and, increasingly, drug-related incidents continue to affect the lives of the population. The weak or corrupt provincial and district administrations, the continued rule of local commanders, and the absence of effective national law enforcement are more common sources of insecurity for the population than terrorist violence. These factors are likely to have contributed to a recent deterioration of security in the north-east, traditionally one of the safest regions of the country, where rival commanders have been fighting over land, possibly driven by attempts to expand drug production.

9. Regardless of the source of instability, the United Nations is acutely aware that its presence, in itself, contributes to stability. Security measures are being taken to enable the United Nations to operate safely in as many areas as possible. Steps have been taken with the Transitional Administration and the provincial reconstruction teams to enhance the coordination of local security forces, particularly in the most insecure provinces. The implementation of additional security measures and the receipt of guarantees from the national authorities of Afghanistan and Pakistan resulted in a decision by the Office of the United Nations High Commissioner for Refugees (UNHCR) on 29 February to resume its repatriation operation of Afghan refugees living in Pakistan. Operations had been suspended after the assassination of a UNHCR staff member in Ghanzi Province in November 2003.

10. As part of a longer-term approach to security, a Security, Stabilization and Reconstruction Programme combines the deployment of better trained and equipped police forces, reconstruction projects and improvements in the provincial and district administration. A pilot project was initiated in Kandahar under the leadership of the provincial governor and with the support of UNAMA and the coalition-led provincial reconstruction team. The national programme was officially launched on 21 January.

C. Voter registration

11. In the Bonn Agreement it was acknowledged that a reliable voter register was essential to the credibility of elections in Afghanistan, and the United Nations was requested to conduct a registration of voters. This exercise began in December 2003 at registration sites in the eight regional centres of Afghanistan. By 15 March, 1.46 million voters had registered out of an estimated total of 2.5 million eligible voters at these locations. This first phase of registration is due to end on 7 April, and will be followed in May by a large-scale voter registration drive throughout the remaining population centres and the rural districts, security permitting. This nationwide drive will allow 8 million more voters to register. It is important to note that the target figure, 10.5 million Afghan voters, is an estimate for planning purposes. No reliable population data have been available since the 1978 census. Ultimately, therefore, the comprehensiveness of the registration exercise will have to be judged on the realities at local level. In the meantime, the priority of the registration drive is to provide equal access to all eligible voters, so that all who wish to vote, especially women, are able to register.

12. Of the 1.46 million voters registered to date, 27 per cent are women. Since the end of January, the rate at which women are registering has increased from 16 per cent to around 35 per cent. This rate is, however, uneven across the country, varying from 41 percent in Bamian to 13 per cent in Kandahar. A great effort has to be made to boost women's registration to allow their full participation in the election. The Ministry of Women's Affairs and women delegates to the Constitutional Loya Jirga are leading this effort. They have been joined in the south and the south-east by tribal and religious leaders who have called for full women's participation in the electoral process.

13. Some organizational changes have been made to take advantage of the fact that, after the conclusion of the Constitutional Commission's work, the staff and assets of its secretariat have become available to the electoral process. The secretariat, since March 2003, has developed a cadre of skilled Afghan managers, substantive staff and administrative personnel who successfully carried out the public consultation process and the registration and election of delegates to the Constitutional Loya Jirga. A presidential decree issued on 18 February provides the legal framework for the use of this existing capacity for the second phase of registration and elections. The decree establishes, under the existing Joint Electoral Management Body, which comprises the six members of the Afghan Interim Electoral Commission and five United Nations electoral experts, an electoral secretariat headed by an Afghan manager. Within this structure, United Nations electoral staff will work side by side with Afghan personnel, building their capacity through the joint management of electoral activities. Participation of international

staff on the Joint Electoral Management Body and within the secretariat will also help to ensure that technical electoral standards are maintained.

D. Elections

14. The new constitution calls for "every effort" to be made to hold presidential and legislative elections simultaneously. The conduct of legislative elections, however, will be particularly complex. The task of provincial seat allocation in the lower house, for example, will be difficult and politically sensitive in the absence of accurate census data. In order to fully constitute the upper house, elections by secret ballot of councils in the 32 provinces and more than 380 districts will have to be held. Additional elections will then be needed among those councils to choose the provincial members of the legislature's upper chamber.

15. The decision whether to hold legislative elections simultaneously with presidential elections has political consequences. As mentioned earlier, the adopted system of government represents a compromise between a presidential and a parliamentary system. Supporters of the latter, however, strongly desire simultaneous elections to ensure that the power of the president is institutionally balanced from the beginning. But politics is also the art of the possible. Legislative elections place a much heavier burden on security forces, on political parties, on civic education and on logistics. They force complex and possibly contentious decisions regarding population distribution and the delineation of district and provincial boundaries. Under the Bonn Agreement, elections were to be held two years after the convening of the Emergency Loya Jirga, namely on 11 June 2004. While the simpler process of presidential elections is deemed to be feasible in June or early July, parliamentary elections cannot be held so soon. Two basic options are therefore open: a presidential election within the Bonn time frame and a parliamentary election later this year or next year; or simultaneous elections held outside the Bonn time frame. The advantages and disadvantages of these options are being debated and it is hoped that a consensus will be achieved before the Berlin conference to be held on 31 March and 1 April. In considering the options the foremost concern must be that the Afghan peace process is moved forward rather than put at risk of being destabilized. Therefore the necessary preconditions for elections must be in place.

16. Whatever option is chosen, creating an environment for free and fair elections is extremely important. The Afghans have tirelessly stressed how essential it is for elections to be free of interference and intimidation. Their motto has been "disarmament first, elections later". But if the factions that dominate individual regions of Afghanistan are able to use their control of security agencies and government media for their own political benefit, then the election will lose much of its legitimacy, domestically and internationally. On the positive side, some key benchmarks, which were communicated informally to the Security Council in August 2003, have been met. A political party law was adopted; reform has been carried out in some key security agencies; and disarmament, demobilization and reintegration has begun. More must be done, however, between now and the elections to produce a "fully representative government", as prescribed at Bonn. The media law needs to be revised to guarantee the protection of journalists; regulations must be issued to allow equal access by registered parties to government media; more impartial officials must be appointed to key administrative and security

positions; and, especially, more progress is required on disarmament and demobilization. Regarding the latter, the Ministry of Defence has agreed to the cantonment of all heavy weapons and the demobilization of 40,000 of the stated troop strength of 100,000 militias currently under the authority of the Ministry of Defence. It should be implemented fully with emphasis on the decommissioning of whole units and a priority on those areas in the country where the presence of militias is a perceived liability for the fairness of the electoral process.

17. Creating the conditions for credible elections will require the urgent and intense commitment of Afghans and the international community alike. That commitment is however a form of investment; as long as the elections are seen as credible, they will play an irreplaceable part in achieving the irreversibility of peace, and successfully writing the final chapter of the Bonn Agreement.

E. Security sector reform

18. To provide the next government with the tools of sovereignty, governance and the rule of law, further strengthening of the newly created Afghan security institutions is required. While this ambitious undertaking can only be achieved in the medium term, efforts are being made to accelerate the process. Afghan institutions and their international counterparts are developing mechanisms that will ensure a holistic approach to the implementation of security sector reform, namely, disarmament, demobilization, and reintegration; building the Afghan National Army and the Afghan National Police; reforming and strengthening the justice sector; and combating illicit narcotics.

19. Additional security assistance by the international community will be required. A timely and adequate response now would facilitate greater progress in the development of the national security capacity and in turn reduce the time frame in which international forces are needed.

20. Further progress has been made in the reforms of principal ministries but it is not enough progress after two years. The first two phases of the reform of the Ministry of Defence have been completed, as appointments have been made to 22 of the top cadre and 125 director-level positions. The next stage commenced with the identification of candidates for the 700 third-tier positions. However, the prevalence of parallel military structures with resources to sustain themselves continues to impede the establishment of the national security forces. Dismantling the parallel structures will depend on successful disarmament, demobilization and reintegration, and the building of a national army and police must be accelerated to fill the security vacuum.

F. Afghan National Army

21. Under the lead of the United States of America, the Afghan National Army has trained a Central Corps of 5,271 troops, and 3,056 more recruits are in training at the Kabul Military Training Centre. The strengthening of the Army is being accelerated through the simultaneous training of three battalions of some 750 recruits each. The 14th Battalion, comprising 835 personnel, graduated on 15 February, and will be posted to the First Brigade of the Central Corps. The 15th Battalion is expected to complete its training on 21 March, adding a further 830

personnel to the First Brigade. The Central Corps should be completed by the end of March, at which time long-term development of the Regional Corps, which will eventually replace the current Afghan Militia Force structure, will start. It is expected that some 10,000 Afghan National Army troops — against the target strength of 70,000 to be achieved under a 10-year plan — will be operational by the summer of 2004.

22. Measures have been implemented to address the problems experienced last year with recruitment and attrition. This year has seen higher levels and broader-based enlistment. Retention has also improved — attrition has been reduced to some 3 per cent per month from 15 per cent in November 2003 — in part owing to improved living conditions, a campaign to attract back deserters, and the increasing diversity of the armed forces.

23. The officer corps of the Afghan National Army is being trained at the Command and General Staff College, which was formally inaugurated on 14 February. Currently, 60 officers are participating in a four-month course concentrating on personnel, logistics, education, policy-making and operational planning.

G. Disarmament, demobilization and reintegration

24. The voluntary disarmament, demobilization and reintegration programme has shown some success but fallen short of expectations. As at 6 March 2004, a total of 5,373 ex-soldiers or officers have been demobilized since the pilot process started in October, 1,870 of them in Kabul. The experience of the pilot disarmament, demobilization and reintegration projects in Kondoz, Gardez, Mazar-e-Sharif and Kabul is being reviewed by the Afghan Transitional Administration, Japan as lead nation, UNAMA and the United Nations Development Programme (UNDP) to see whether improvements can be made. The review revealed a series of shortcomings typical in demobilization operations, including the handing in of old weapons and the demobilization of part-timers and "reservists" as opposed to full-time members of active units. Lack of political will on the part of factional leaders was also apparent, as evidenced in the go-slow approach of General Dostum in the north. A worrying pattern has been the widespread extortion of demobilized soldiers by local commanders, which led the Afghan New Beginnings Programme to stop severance payments to soldiers as part of the overall reintegration package. The pilot projects implemented to date have shown the need for more political engagement at high levels of government to pave the way for more significant disarmament, demobilization and reintegration.

H. Afghan National Police

25. At present, a total of 4,339 police officers, including border police have been trained through the German Police Programme and United States training programmes. In Kabul, the German Police Programme is overseeing the training of 1,500 officer cadets and 500 border police at the Kabul Police Academy. Police instruction is now being conducted by Afghans, following the completion of the training-of-trainers programme. In spite of this effort, an insufficient number of trained and well-equipped police in the provinces has consistently been identified as

one the major obstacles to the expansion of government authority. To redress this shortfall, seven regional police training centres are being established by the United States and are expected to be operational by the end of March. It is expected that 8,000 non-commissioned officers and 12,000 patrolmen will have been trained in the centres by the end of June. The German Police Programme has assigned trainers to the German provincial reconstruction team in Kondoz and Herat for officer instruction and will eventually deploy to all teams. Finally, a substantial programme of reform and capacity-building is required for the Ministry of the Interior to coordinate and run police operations nationwide. Given the limited number of international police trainers, it is hoped that the provincial reconstruction teams will be in a position to provide post-deployment mentoring in support of the Ministry of the Interior. Support for payment of police salaries is ongoing through the UNDP-managed Law and Order Trust Fund for Afghanistan. Whereas donors have made available most of the financial needs for the Afghan budget year 1382 (March 2003-March 2004), there is a serious funding gap for the upcoming year, which will need to be addressed by the donor community.

I. Justice sector reform

26. The adoption of the constitution and the formulation of the Provincial Stabilization Strategy have presented an opportunity to re-evaluate the approach to justice sector reform in Afghanistan as well as to reaffirm the centrality of the rule of law to overall political stabilization. The constitution in particular introduced several changes to the judicial system, the implementation of which will require close cooperation among the Ministry of Justice, the Attorney General and the Supreme Court, with support from international partners. The strengthening of the administrative and management capacities of the permanent institutions of justice will enable them to participate more actively in the definition and achievement of national goals through more effective use of resources at the central, provincial and district levels.

27. There have been several achievements in justice sector reform. The decree on the reformed code of criminal procedure was issued in mid-February, providing a versatile system under which jurisdiction can be shifted to provincial courts from district courts where necessary. This should enable the gradual transfer of criminal cases to the formal justice system, though it is conditional upon an effectively functioning provincial infrastructure and the rehabilitation of district courts. Construction of provincial courts is under way in nine capitals, while the prioritization of district courts will be determined by the Provincial Stabilization Strategy. On 21 February, a two-week training-of-trainers seminar was initiated with senior judicial and law enforcement personnel on the new criminal procedural code. In addition, 450 judges are being trained by the International Development Law Organization, an intergovernmental organization that promotes the rule of law and good governance.

28. The rehabilitation and strengthening of the justice system is interconnected with other political, security and reconstruction efforts. For the overall strengthening of the justice system, including prisons management, interventions in the following areas are essential: strengthening administrative capacity and financial management, reconstruction and refurbishment of premises, communication infrastructure, revision and distribution of laws, and promoting legal education and research. At the

same time, the role of the traditional justice system and its relation to formal mechanisms warrant greater attention, particularly given the reliance of the majority of Afghans on the former.

Corrections

29. Reform of the correctional system has thus far focused on Kabul. In February, the United Nations Office on Drugs and Crime completed the first round of rehabilitation and reconstruction of the Kabul male detention centre. Work is also progressing on upgrading the main prison at Pol-e-Charki and the Kabul female detention centre. The Transitional Administration has devised a long-term redevelopment plan for the reform of the national prison system. For the next fiscal year, the focus will be on approval of a strategic direction, the rehabilitation of several regional prisons, the establishment of a headquarters facility for the prison administration, and the establishment of a training centre for correctional officers. In the longer term, offender classification systems, programmes for offenders, and a gradual release system will be introduced. Those reforms, however, depend on redressing the critical funding shortage due to competing fiscal priorities facing the Afghan Transitional Administration and the low level of donor support for the reform of the correctional system.

J. Counter-narcotics activities

30. A continuing and expanding threat to the success of State-building in Afghanistan is the growth in the production, trafficking and trade in illegal narcotics. Its negative effects are widespread: it distorts the wage structure, generates corruption within the civilian and military establishment at all levels, and distorts the finances of the agricultural economy. The annual farmer's intention survey for Afghanistan, conducted by the United Nations Office on Drugs and Crime and released on 18 February 2004, brings further bad news, indicating that opium production may further expand in the coming year. Two producers out of three interviewed stated that they intended to increase significantly their opium production in 2004. The rapid assessment survey subsequently conducted in February gave additional confirmation of that likely trend.

31. Against this deteriorating background, efforts to combat illegal drugs continue. The ban on drug production, trafficking and consumption has been codified in the new Afghan constitution. The narcotic drugs law, drafted by the Ministry of Justice and the United Nations Office on Drugs and Crime last year, came into force on 25 January, providing a robust legal framework for prosecuting drug-related offences. The Government, with support from the coalition forces, has initiated a strategy to combat narcotics more robustly and recently conducted successful interdiction operations in Badakhshan and Laghman Provinces. In addition, a central eradication planning cell, led by the Ministry of the Interior, with support from the United Kingdom — the lead nation for international assistance in Afghan drug control — the United States and the Counter-Narcotics Directorate is being established to identify target districts for poppy eradication and to assess the effectiveness of the eradication campaign.

32. The international counter-narcotics conference on Afghanistan, organized by the Counter-Narcotics Directorate, the United Kingdom and the United Nations

Office on Drugs and Crime, was held in Kabul on 8 and 9 February and facilitated, for the first time, discussion between key players in the provinces and the central Government as well as the international community. Among the priorities identified by the conference were the need to mainstream drug control into all development sectors, to improve coordination across all principal ministries and donors, to extend the counter-narcotics police of Afghanistan to priority regions, and to provide effective drug-awareness programmes and specialized skill-based training in drug abuse prevention to all levels of the Afghan community. The cross-cutting nature of the illicit drugs problem was widely recognized and identified as an important priority which the international community should address with vigour as the issue has the potential to undo all other assistance provided to building a secure and stable State with a viable economy, governed by the rule of law.

33. The task before the Afghan Transitional Administration and its international partners is enormous. It requires both immediate action to prevent further expansion of poppy production and the entrenchment of drug-related organized crime, as well as a long-term commitment to strengthening the rule of law, promoting alternative livelihoods, and reducing demand.

K. International Security Assistance Force

34. Under the command of the North Atlantic Treaty Organization (NATO), ISAF has continued to make an invaluable contribution to the security of Kabul. Since the takeover by Germany of the Kondoz provincial reconstruction team on 6 January, NATO has also begun its deployment outside Kabul, as authorized by the Security Council in resolution 1510 (2003) of 13 October 2003. The recent decision of NATO to further expand its operations in Afghanistan is encouraging, as are indications that it will take over the three existing provincial reconstruction teams in the north — Mazar-e-Sharif, Kondoz and Herat — and possibly set up two more by June 2004. In the context of the upcoming electoral process, I encourage NATO to provide the help needed to the Afghan security forces, in good time for it to be most effective. On 9 March, I received a letter from President Hamid Karzai, informing me that he had requested enhanced NATO assistance during the electoral process. I have been in contact with the Secretary-General of NATO, Jaap de Hoop Scheffer, to offer full United Nations cooperation in that endeavour. The recent deployment of a NATO senior civilian representative in Kabul is welcome and should enhance the excellent cooperation already existing between my Special Representative and the ISAF Commander.

L. Provincial reconstruction teams

35. As part of the stabilization effort by the coalition forces, over the past several months the United States has established four more provincial reconstruction teams in Jalalabad, Konar, Khowst and Ghazni. There are now 11 provincial reconstruction teams nationwide, 10 under coalition command and the first ISAF team in Kondoz. Additional coalition-led provincial reconstruction teams are scheduled to open in Qalat (Zabol) in April and Tarin Kowt (Oruzgan) by early May.

36. The deployment of provincial reconstruction teams has contributed to stability in a variety of ways: improvement of the security environment through patrols and

contacts with local authorities, assistance to the deployment of national police forces and the Afghan National Army, support to UNAMA in local conflict resolution, security advice and support to voter registration and disarmament, demobilization and reintegration, and support to local security forces through the provincial security task forces. As provincial reconstruction teams are gaining increased access to funds for project implementation, it is important to reaffirm the existing understanding that the teams focus on the creation of a secure environment, and that projects under the team umbrella are implemented in high-risk areas rather than in the safe areas where the assistance community can operate freely. UNAMA will continue to work with the coalition and ISAF to facilitate the all-important dialogue with the aid community.

37. As the number of provincial reconstruction teams increase, as well as the number of countries involved in them, issues of consistency and coordination with the Government and the international community are increasingly relevant. Special attention should be paid to ensuring that a unified vision and common policy are implemented countrywide.

M. Human rights

Overview of the human rights situation

38. As only limited progress has been made in the deployment of a professional, effective and accountable police force in the country, the overall human rights environment is a persistent cause for concern. UNAMA and the Afghan Independent Human Rights Commission continue to receive complaints of abuse by local commanders and local officials, particularly police and intelligence agents. Violations include intimidation, extortion, arbitrary arrest, illegal detention, and forced occupation of lands and houses. More can and must be done by the Transitional Administration to curtail these abuses. As President Karzai has acknowledged all too often the representatives of the State at the local level can be a significant source of insecurity. At the very least, criminals should be removed from their official positions if the confidence of the communities concerned in the Government, in particular the Ministries of Defence and the Interior and the National Security Directorate, is to be restored.

39. Against this background, we welcome the development of government institutions for the monitoring and protection of human rights. The Ministry of Foreign Affairs has established a Human Rights Unit and, with training by the Office of the United Nations High Commissioner for Human Rights (OHCHR), is initiating a programme of annual human rights treaty reporting. The first submission to OHCHR, due by the end of 2004, is expected to be on the implementation of the International Covenant on Civil and Political Rights. Technical assistance will also be provided to national non-governmental organizations in order to assist them in the preparation of their shadow report. The Ministry of the Interior's Human Rights Unit, established in 2003, has expanded its operations to 24 provinces nationwide and has increased its Kabul-based operations. The unit has been limited by a shortage of resources, but the commitment to allocate $1.67 million from the Law and Order Trust Fund for Afghanistan should improve its capacity to monitor human rights compliance by the police force and to provide human rights training.

40. Trafficking in women and children is a matter of serious concern. Although the exact number of children being trafficked from Afghanistan is unknown, the Afghan Independent Human Rights Commission has documented over 300 cases of people who disappeared in the last five months of 2003. Efforts to end this degrading and illegal trade are being lead by the Ministry of Labour and Social Affairs with assistance from the Ministries of the Interior, Foreign Affairs, Justice, and Religious Affairs, UNAMA, UNICEF, UNHCR, international and local non-governmental organizations, and the Afghan Independent Human Rights Commission.

Afghan Independent Human Rights Commission

41. The new constitution clearly articulates a role for the Afghan Independent Human Rights Commission beyond its current mandate, which will expire in June 2004. The exact functions and structure will be determined by future legislation. In the interim, the Commission continues, with the support of UNAMA, OHCHR and UNDP, to conduct its activities covering five programmes, namely, human rights education, women's rights, children's rights, transitional justice, and monitoring and evaluation.

42. While the Commission continues to focus on the need to address current human rights violations, attention is now turning to past abuses. The Commission has begun a nationwide public consultation to ascertain the views of the population on how those crimes should be addressed. It is expected that this exercise, which is carried out with the support of the International Centre for Transitional Justice, will be completed in mid-2004. In the interim, OHCHR has initiated a mapping exercise of human rights violations committed from 27 April 1978 to 22 December 2001, and expects to finalize and submit to the Afghan Independent Human Rights Commission a draft compilation by September 2004. The draft and the national consultation process will assist the Afghan Transitional Administration in deciding how to pursue transitional justice.

Status of women

43. The codification of equal rights for women in the new Afghan constitution provides a legal basis for women to pursue a fuller role in society. Provisions for representation in the upper and lower houses of the National Assembly guarantee their voice in national decision-making.

44. The theme of International Women's Day, on 8 March, was set by the Ministry of Women's Affairs as the "Rule of law and life of women in Afghanistan". Within the framework of the celebration, the Ministry, with support from the United Nations Development Fund for Women and the Japan International Cooperation Agency, organized a series of workshops in Kabul to discuss the role that women will play in the upcoming elections and the implementation of the constitution. Events emphasizing the rights and duties of women in the registration and election processes were held in the provinces in March.

45. The recent increase in women's electoral registration, noted earlier, is believed to be the result of a number of deliberate initiatives, including specific attention to women in public information and civic education campaigns and special events organized in regional centres, including the registration of key public figures. It is also due to the realization by the Afghan public that fewer women voters means fewer voters for a region. Finally, as men realize that women's registration is done

by women, they are increasingly willing to allow their wives and daughters to register.

46. Nevertheless, in certain areas of the country, strong social and cultural norms continue to limit women's public role. Such limitations are particularly evident in Herat, where in the past several months there have been reports of more cases of forced marriage and female suicide, a ban on the participation of women in public service, and the denunciation of women activists as anti-national and foreign-supported.

N. Recovery, rehabilitation, and reconstruction

47. As the second year of Afghanistan's transition comes to a close, gains have been secured in the social and economic fields. By early 2004, 4.3 million children, 40 per cent of whom are girls, were enrolled in primary and secondary schools. Coverage by the Government's primary health service package now reaches 40 per cent of the population. Furthermore, rapid economic growth has been fuelled by a combination of high agricultural output, a rise in public sector salaries, and an increase in demand for local construction and commercial services.

48. The economic dividends have been felt mainly in urban areas and some provincial centres. Provincial and district administrations, which are critical to long-term national stability, continue to receive inadequate support relative to central institutions. This situation must be redressed through concerted training initiatives and the strengthening of systems to ensure timely salary and non-salary transfers from the capital. Large national programmes, such as the National Area-based Development Programme, the National Solidarity Programme and the National Emergency Employment Programme are being implemented as means of ensuring a more equitable spread of assistance benefits to local communities, as well as to facilitate capacity-building and organizational reform in ministries such as the Ministry of Rehabilitation and Rural Development. The Independent Administrative Reform and Civil Service Commission is being assisted by UNDP with regard to merit-based recruitment, as well as training and capacity-building for civil servants. Afghanistan's emerging private sector, a potential engine of recovery and growth, remains underutilized. Multi-sector efforts to reintegrate 2.3 million former refugees must be accelerated in view of the large number of new returns that are expected in 2004. In the coming year, more creative mixtures of public and private investment will be needed to generate opportunities for demobilized combatants to rejoin the civilian economy, and to assist farmers to stop participating in opium cultivation.

49. Importantly, 2004 marks the first time in 13 years that the United Nations has not prepared an annual consolidated appeal for Afghanistan. This shift in long-standing practice reflects an increasing recognition of the leadership, sophistication and capacity of the Transitional Authority with regard to raising and directing international funds towards identified national priorities, and the effectiveness of the national budget as a strategic coordination instrument. United Nations agencies have increasingly looked towards normalizing their engagement in Afghanistan by participating in national budget preparations and implementing multi-year programmes. The United Nations consultative group is assisting the Transitional Administration in its budgetary efforts through the development and maintenance of a database that tracks aid assistance. Discussions have begun within the United

Nations country team to initiate a common country assessment. This should allow, in two years' time, under a common United Nations development assistance framework, the annual agency programming cycles to be established according to the Afghan fiscal year.

50. Since late 2003, several United Nations agencies and the Bretton Woods institutions have supported the Transitional Administration in preparing a long-term costing exercise entitled "Securing Afghanistan's future". The study seeks to provide a conclusive and comprehensive calculation of the cost of meeting defined recovery and reconstruction targets across a wide range of sectors. A global investment figure of $28.5 billion over seven years was reached on the basis of in-depth sectoral assessments and economic growth projections. Of that amount, an investment requirement of $7 billion was identified for the social sectors, including health, education, refugees and internally displaced persons, and social protection. It is hoped that the document, to be presented to the international community on 31 March 2004 in Berlin, will guide and encourage donors to solidify their multi-year commitments to Afghanistan.

O. Mission support

51. The Mission continues to develop the United Nations Operations Centre in Afghanistan on the outskirts of Kabul. A cooperative arrangement among UNICEF, the United Nations Office for Project Services (UNOPS), the Afghan New Beginnings Programme and UNHCR has been formalized through a common services agreement. A residential building is being constructed within the Operations Centre to house United Nations Volunteers. Warehousing space has been provided by UNICEF for the packing of electoral kits. Additional security upgrades are being installed at the gates and on the perimeter walls.

52. The UNAMA airport terminal, which has dedicated security, customs and immigration facilities, has been opened at Kabul International Airport. The Mission has acquired a second Antonov-72 cargo aircraft as well as four helicopters, which will be based in Herat, Kabul and Mazar-e-Sharif to serve voter registration and the electoral effort.

53. In support of voter registration and the election, the identification and establishment of provincial electoral offices compliant with the United Nations minimum operating security standards is under way with support from UNOPS. UNAMA has also established an Electoral Data Entry Centre at the electoral secretariat of the Joint Electoral Management Body in Kabul.

III. Observations

54. The recent history of Afghanistan left a people with a deep mistrust of political forces, suspicion between different ethnic groups and a country which was almost totally lacking in social and physical infrastructure. Years of conflict had led to a conviction that power could come only from military superiority. The events which led to the ouster of the Taliban and the Bonn process left a large part of the community feeling that their interests had been ignored; a feeling that was to be

exacerbated by the chronic lack of ethnic and regional balance in the composition of the security agencies after the fall of Kabul.

55. The peace process has brought many benefits, in particular to large parts of the urban population, but it has yet to bring a sense of medium- or long-term security. Many Afghans still feel that the peace is not irreversible and act accordingly. The international community is thus still involved in peacemaking in parallel with the peace-building that was seen as the main task of the Interim Administration. In short, the joint responsibility for security of the international community and the security forces of the new State is the key to the success of almost every other part of the peace process.

56. Much progress has been made, by means of holding over a short period the Emergency Loya Jirga in 2002 and the Constitutional Loya Jirga in 2003. The two events, with their very different objectives, added greatly to the perception among Afghans at all levels that there is merit in peaceful political negotiation and even compromise. It is hoped that the momentum in voter registration will strengthen that perception. The fact that the very serious differences that emerged during the Constitutional Loya Jirga were managed, and compromise and consensus reached, is testimony to a new will to engage in the democratic process.

57. As has been said many times, for peace to take root the people must feel individually and collectively that there is a peace dividend. In the urban areas it is clear that people see some benefits, but outside the main centres much remains to be done. We are still far from achieving the goal of one successful social or economic project in every district.

58. More needs to be done if the peace is to become truly irreversible. The constitution-making process has sent positive signals. The building of institutions and the development of the rule of law has increased the confidence of the State, but the key to a personal sense of security remains the broadening of the writ of central government and the joint deployment of Afghan and international forces much more widely across the country. The presence of such forces instils confidence in local communities and lends support to the legitimate organs of the State in their battle with local and regional leaders who still operate with impunity and weaken the peace-building process.

59. While legitimate security interests must be taken into account at all times, all too often militia groups that wield the name of army units, police or intelligence agencies are nothing but instruments of extortion, undue influence and factional rivalry. Insecurity is their business. Taking into account the realities of Afghanistan, the disarmament, demobilization and reintegration plan currently being initiated offers militia commanders an opportunity to engage seriously in the search for attractive reintegration options. Extortion cannot remain a way of life, and intimidation a tool for political influence in the upcoming electoral process. I trust that the commitment that has been made by all political and military leaders to demobilization will be fully implemented in the months ahead.

60. The Berlin conference will be an opportunity to reaffirm the special relationship that has developed between Afghanistan and the international community in the past two years, which has been strengthened with the adoption of the new constitution, and must endure beyond the elections. The expected outcome of free and fair elections in 2004 — fully representative government — will no

doubt give strong impetus to the consolidation of peace and stability. In planning for elections, the Afghan Transitional Administration, the international community and UNAMA will need to agree on the key benchmarks that must be met in order to ensure that the electoral process is credible and thus moves Afghanistan further towards durable peace. Notwithstanding the importance of elections, without functional State institutions able to serve the basic needs of the population throughout the country the authority and legitimacy of the new government will be short-lived. The international community must therefore remain by the side of the new Afghanistan until full transition is achieved. As this process continues, the United Nations must continue to do its utmost to deserve the confidence that has been placed in it by its Member States and the people of Afghanistan.

61. Until the completion of the electoral process which is under way, the tasks of UNAMA will continue to encompass the range of responsibilities indicated in the Bonn Agreement of 5 December 2001 and my report of 18 March 2003 (A/57/762-S/2003/333), principally assistance to the political process and institution-building, and also reconstruction. Some of the Mission's tasks have been completed or are nearing completion and new tasks related to the political process have commenced. The current mandate under Security Council resolution 1471 (2003) expires on 27 March. Consultations are currently under way on the role of the United Nations after the completion of the Bonn agenda. Following the Berlin conference on 31 March and 1 April, and once the decision required on the holding of elections has been taken, there will be greater clarity on what the future tasks of UNAMA should be. At that time, I intend to submit another report to the Council with additional recommendations for the Mission's future mandate. In the meantime, I would recommend that the mandate of UNAMA be extended for 12 months.

62. Finally, I would like to convey my sincere appreciation to the Security Council and other Member States for their continued support to Afghanistan and I would like to pay tribute to the dedicated efforts of my Special Representative, Jean Arnault, as well as to the men and women of UNAMA and its partner organizations.